

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

In Re:

**WALTER EUGENE PERRY AND
MIGNON MARIE PERRY**

**Case No.: 3:11-BK-6515
Chapter 13**

**WALTER EUGENE PERRY AND
MIGNON MARIE PERRY**

Plaintiffs,

v.

**Adversary Proceeding No.:
311-ap-00865-JAF**

**GUARANTY BANK,
Defendant.**

JUDGMENT

**The above-styled adversary proceeding having come before the Court, upon the pleadings and affidavits filed therein, and pursuant to Federal Rule of Bankruptcy Procedure 7012, it is
ORDERED AND ADJUDGED:**

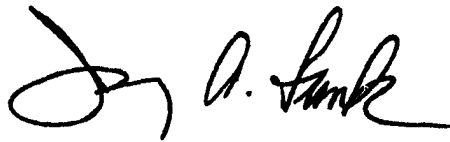
- 1. Guaranty Bank has not filed a responsive pleading within the time required by F.R.B.P. 7012(a).**
- 2. Plaintiffs Walter and Mignon Perry are GRANTED an entry of judgment.**
- 3. The real property that is the subject of the proceeding is located at 1372 Blackmon Rd., Green Cove Springs, FL 32043 and more particular described as follows:**

Lot 25, Block 3, RIVIERA ESTATES, according to the plat thereof as recorded in Plat Book 9, Pages 7, 8 and 9, of the public records of Clay County, Florida.

- 4. The Court finds that the Debtors' Property is encumbered by a valid first mortgage, held by Bank of America in the approximate amount of \$199,799.35.**
- 5. Guaranty Bank holds a second mortgage that is wholly unsecured.**

6. Claim Number 8 filed by Guaranty Bank shall be treated as an unsecured claim in the Chapter 13 case.
7. The Mortgage held by Guaranty Bank recorded at Book 2728, Page 1864 and any subsequent amendments thereto, of the Official Records Book of Clay County, Florida, shall be deemed void and shall be extinguished automatically, without further court order, upon entry of the Debtor's discharge in this Chapter 13 case; provided, however, that the Court reserves jurisdiction to consider, if appropriate, the avoidance of Guaranty Bank's lien prior to the entry of the Debtor's discharge.
8. Further, if this case is converted to a case under Chapter 7, or if this Chapter 13 case is dismissed, the mortgage will no longer be considered void and shall be restored as a secured debt.
9. No sale of the Property may occur free and clear of the Creditor's lien while the bankruptcy case is pending.

DONE AND ORDERED this 28th day of December, 2011 at Jacksonville, Florida.



Jerry A. Funk
United States Bankruptcy Judge

Copies to:

Charles Fyler, Attorney for Debtor/Plaintiff, 3733 University Blvd. W., Suite 212B, Jacksonville, FL 32217

Douglas Neway, Chapter 13 Trustee, via electronic submission

Doug Legy, CEO, Guaranty Bank, 4000 W. Brown Deer Rd., Brown Deer, WI 53209

RECORDED IN THE US BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF FLORIDA,
JACKSONVILLE DIVISION
J.B. VOL. 54, NO. 7474